



• Stop and Search Policy and Procedure

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| Reference No. | P42:2013 (This policy replaces Street Interventions or Encounters Policy (P05:2009) Street Interventions or Encounters Procedure (P06:2009) Detention of Persons at Police Stations for Drugs Searches (P08:2001) |
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| | |
|---------------------|-------------|
| Implementation date | 18 May 2015 |
| Version Number | 1.1 |

Linked documents

| Reference No: | Name. |
|-----------------|---|
| | Home Office 'Stop and Search' Manual Guidance |
| | Centrex 'Practice Advice on Stop and Search' |
| | National Intelligence Model |
| | Home Office Best Use of Stop and Search Scheme 2014 |
| P30:2004 | Briefing and Debriefing policy |

Suitable for Publication

| | |
|-------------------|------------|
| Policy Section | Yes |
| Procedure Section | No |

Protective Marking

Restricted

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION CAN BE FOUND ON THE FORCE INTRANET POLICIES SITE.

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1 Policy Section

1.1 Statement of Intent – Aim and Rationale

The aim of this Policy and Procedure is for officers to improve the quality, fairness and effectiveness in the use of relevant police powers and to support the promotion of trust, confidence and transparency during interactions with members of the public specifically when completing Stop/Account and/or Stop/Search and whilst doing so improve the quality assurance of any data collected.

To ensure Force compliance with the Home Office Best Use of Stop and Search scheme 2014.

To support the appropriate and proportionate use of powers to target criminality and terrorism.

Any reference to ‘officer’ also includes Police Community Support Officers in the contexts of non-statutory stops and the power to stop/search under **Section 44 of the Terrorism Act 2000**.

This procedure should be read in conjunction with the following:

- **Code A of the Police and Criminal Evidence Act**
- **Stop and Search Documents Library**
- **Home Office Best Use of Stop and Search Scheme 2014**

1.2 Our Visions and Values

Dorset Police is committed to the principles of “One Team, One Vision – A Safer Dorset for You”

Our strategic priority is to achieve two clear objectives:

- To make Dorset safer
- To make Dorset feel safer

In doing this we will act in accordance with our values of:

- Integrity
- Professionalism
- Fairness and
- Respect

National Decision Model

The National Decision Model (NDM) is the primary decision-making model used in Dorset Police. The NDM is inherently flexible and is applied to the development and review of all policy, procedure, strategy, project, plan or guidance. Understanding, using and measuring the NDM

ensures that we are able to make ethical (see Code of Ethics), proportionate and defensible decisions in relation to policy, procedure, strategy, project, plan or guidance.

Code of Ethics

The Code of Ethics underpins every day policy, procedures, decision and action in policing today. The Code of Ethics is an everyday business consideration. This document has been developed with the Code of Ethics at the heart ensuring consideration of the 9 Policing principles and the 10 standards of professional behaviour. Monitoring is carried out through the Equality Impact Assessment process which has been designed to specifically include the Code of Ethics.

1.3 People, Confidence and Equality

This document seeks to achieve the priority to make Dorset feel safer by securing trust and confidence. Research identifies that this is achieved through delivering services which:

1. Address individual needs and expectations
2. Improve perceptions of order and community cohesion
3. Focus on community priorities
4. Demonstrate professionalism
5. Express Force values
6. Instil confidence in staff

This document also recognises that some people will be part of many communities defined by different characteristics. It is probable that all people share common needs and expectations whilst at the same time everyone is different.

Comprehensive consultation and surveying has identified a common need and expectation for communities in Dorset to be:-

- Listened to
- Kept informed
- Protected, and
- Supported.

2 Standards

2.1 Legal Basis

The legal basis underlying the police use of stop/search powers is derived from a number of 'Codes of Practice' and associated legislation.

The list below, whilst not definitive, details the primary powers used by the police when carrying out street interventions.

Section 1 Police and Criminal Evidence Act 1984
Code A Police and Criminal Evidence Act 1984 – Codes of Practice

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|------------|--|
| Section 23 | Misuse of Drugs Act 1971 |
| Section 47 | Firearms Act 1968 |
| Section 60 | Criminal Justice and Public Order Act 1984 |
| Section 43 | Terrorism Act 2000 |
| Section 1 | Confiscation of Alcohol (Young Persons) Act 1997 |
| Section 35 | Anti-Social Behaviour, Crime and Policing Act 2014 |

The Equality Act streamlines nine existing pieces of legislation including those pertaining to race, gender and disability into one Act. The legislation has been extended to cover the 'protected characteristics' of:

- Age
- Disability
- Gender Reassignment
- Marriage or Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

The General Equality Duty requires Dorset Police in the exercise of its functions, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity
- Foster good relations

The Act impacts directly on stop/account and stop/search and two protected characteristics likely to have significant impact in the confidence of Police conducting stop/account and stop/search are race and religion or belief. Race is defined by EHRC as a group of people defined by their race, colour and nationality (including citizenship) ethnic or national origins. Religion or belief has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief. Stop/account and stop/search must not be undertaken based on any prejudice towards any protected characteristic.

2.2 People, Confidence and Equality Impact Assessment

During the creation of this document, this business area is subject to an assessment process entitled "People, Confidence and Equality Impact Assessment (EIA)". Its aim is to establish the impact of the business area on all people and to also ensure that it complies with the requirements imposed by a range of legislation.

2.3 Monitoring / Feedback

All supervisors including Sergeants and Inspectors must monitor how officers carry out stop/account and stop/search and ensure that they are conducted in line with the Police and

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Criminal Evidence Act 1984 (PACE), Force policy as well as other relevant legislation such as the Human Rights Act 1998 and Equalities Act 2010. Supervisors should ensure that encounters are being carried out in response to force intelligence and 'tasking' and follow the principles of NIM. (See Appendix A Supervisors Flow Chart).

However, it is the quality of such encounters carried out by individual officers or teams that supervisors should monitor, not the quantity. Measuring quantity has the potential to lead to inappropriate and over use of powers, which has a high impact on disproportionality and public confidence.

The responsibilities around monitoring are expanded below under 'Supervisors' Responsibilities'.

Statistical returns for the implementation of S43 powers are collated and forwarded to the Home Office on an annual basis.

Performance is monitored at the People, Confidence and Equality Board chaired by the Deputy Chief Constable and Police and Crime Commissioner. Monitoring contains the following aspects:

- Number of stop /searches by ethnicity and arrest at Force and local authority area level
- Ethnicity and reason for stop/search
- Age and sex of those stop/searched
- Number of stop/account by ethnicity

Feedback relating to this policy can be made in writing or by e-mail to:

Chief Inspector Ashley Adams
Bournemouth Police Station
Madeira Road
Bournemouth
Dorset
BH1 1QL

E-mail: ashley.adams@dorset.pnn.police.uk

3 Consultation and Authorisation

3.1 Consultation

| Version No: | Name | Signature | Date |
|---|------|-----------|------|
| Police & Crime Commissioner | | | |
| Police Federation | | | |
| Superintendents Association | | | |
| UNISON | | | |
| Other Relevant Partners (if applicable) | | | |

3.2 Authorisation of this version

| Version No: | Name | Signature | Date |
|------------------|-------------|-----------|---------|
| Prepared: | A Adams | | 10/4/15 |
| Quality assured: | | | |
| Authorised: | | | |
| Approved: | C & E Board | | 18/5/15 |

4 Version Control

4.1 Review

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| Date of next scheduled review | Date: 18 May 2016 |
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4.2 Version History

| Version | Date | Reason for Change | Created / Amended by |
|---------|------------|---|--|
| 1.0 | 14.11.2013 | Initial Document | CI 1287 Duffy CI 1107 Adams |
| 1.1 | 08.12.2014 | Compliance with new legislation and HO BUSS scheme 2014 | Insp 626 Del Bishop PC 2754 Gary Thorpe |
| | | | |

4.3 Related Forms

| Force Ref. No. | Title / Name | Version No. | Review Date |
|----------------|----------------------|-------------|-------------|
| C314 | Stop and Search Form | | |
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4.4 Document History

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| Present Portfolio Holder | Ch Supt JANE Newall |
| Present Document Owner | Chief Insp Ash Adams 1107 |
| Present Owning Department | Territorial Policing |
| Details only required for version 1.0 and any major amendment ie 2.0 or 3.0: | |
| Name of Board: | Confidence and Equality Board |
| Date Approved: | 18 May 2015 |
| Chief Officer Approving: | DCC James Vaughan |

Template version January 2013